

REMARKS

Claim Rejections – 35 USC 112

Claim 11 is rejected under 35 USC 112, second paragraph, as failing to comply with the written description requirement.

Applicant has amended Claim 11 to remove the offending language.

Claim 11 is also rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Applicant has amended Claim 11 to provide proper antecedent basis for "vehicle speed".

Claim Rejections – 35 USC 102

Claims 11-15 are rejected under 35 USC 102(b) as being anticipated by Cikalo (US 6,470,256).

Applicant has amended independent Claim 11 to include the limitations of Claim 14. Amended Claim 11 now requires that the request from the driver for uniform vehicle speed is detected on the basis of the accelerator pedal movement. This limitation, stated differently, requires that the uniform vehicle speed, e.g. cruise control set speed and high efficiency cruise control activation, is determined based on the accelerator pedal position. Applicant respectfully submits that Cikalo does not describe such a feature.

As best understood, Cikalo describes a traditional cruise control activation sequence. In particular, Cikalo requires activating an input device 25 which is described as a switch in the passenger compartment. (Col. 4, lines 39-51). Cikalo's input device 25 is different than its gas pedal position 22.

Applicant's invention eliminates the step of activating an input device or switch

and instead relies upon the accelerator pedal position to activate cruise control. For this reason Applicant respectfully submits that Cikalo does not anticipate amended Claim 11.

Claims 12-13 and 15-20 depend either directly or indirectly from Claim 11 and are therefore believed to be in a condition for allowance for at least the same reason as Claim 11.

Claim Rejections – 35 USC 103

Claims 15-20 are rejected under 35 USC 103(a) as being unpatentable over Cikalo, as applied to Claim 11-14 above, and further in view of Moncelle (US 4,914,597).

Applicant respectfully submits that cited combination does not provide the limitations that have been amended into Claim 11 and therefore no longer provides a *prima facie* case of obviousness. Applicant therefore believes that Claims 15-20 are in a condition for allowance for at least the same reason as Claim 11.

New Claims

Applicant has added new Claims 21-22. The new claims describe the invention in terms that are more commonly used than the terms employed in the originally filed claims. Applicant believes that Claim 21 is allowable for the same reason as discussed above for amended Claim 11. Claim 22 depends from Claim 21 and is therefore believed to be in a condition for allowance for at least the same reason as Claim 21.

CONCLUSION

Accordingly, Applicant believes that the claims as amended overcome the raised objections and rejections and are in a condition for allowance.

Respectfully submitted,

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